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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,686	11/08/2002	Peter J. Kennedy	U02-0052(23)	2323
24239	7590	04/20/2005	EXAMINER	
MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709			SOBUTKA, PHILIP	
			ART UNIT	PAPER NUMBER
			2684	
DATE MAILED: 04/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,686

Applicant(s)

KENNEDY, PETER J.

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/09/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,8-28,34-50, are rejected under 35 U.S.C. 102(e) as being anticipated by Kleier et al (US 2002/0009990)

Consider claim 1. Kleier teaches a method for establishing communications with multiple communication devices, comprising: selecting a multiparty call group from a storage device or forming a multiparty call group (Fig 1), wherein the multiparty call group includes contact information for each communication device in the multiparty call group (para. 8); and establishing communications with each communication device in the multiparty call group.

Consider claim 23. Kleier teaches a method for establishing communications with multiple communication devices, comprising: providing a multiparty call feature for selection by a user (paras. 3-6); and presenting an option for the user to select any stored multiparty call group or to form a multiparty call group in response to the user selecting the multiparty call feature (fig 1).

Consider claim 43. Kleier teaches a device for establishing communications with multiple communication devices, comprising: a multiparty call feature; a display to present the multiparty call feature to a user for selection (fig 1); a storage device to store any multiparty call groups for selection by the user (para 8); a transmitter to communicate with members of a multiparty call group (note that the mobile phones of fig 8 would comprise transmitters).

As to claim 44, Kleier teaches the device of claim 43, further comprising at least one multiparty call group, wherein the multiparty call group is formed by at least one of selecting stored contact information or by entering contact information into the device (fig 1).

As to claims 2,28 note that the communication established is a conference call.

As to claims 8,9,11,27,34,35,36, note that Kleier teaches the conference call being established by sending an SMS text message (Kleier see especially para 6).

As to claim 10, note that Kleier teaches the invitation being WAP, which is mobile internet (Kleier para 6, claim 12).

As to claims 12,25,26,48,49,50, note that Kleier teaches the selection being through entering an identifier or scrolling through a list (Kleier see especially fig 1).

As to claims 13,37 note that the contact info is stored in the device (Kleier see para 25).

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As to claims 14,38,45,46, note that the selection is made using a keypad (para 25,26).

As to claims 15-17,20-22,24,39,40,42,44, note that contact info and identifiers can be stored and edited as well as selected (para 25,26).

As to claim 18,19,41,47, note that Kleier teaches storing the contact info at the MSC or SIM card (Kleier see especially para 28).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 54-59,64-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleier.

Consider claim 54. Kleier teaches everything claimed as shown above except for the mobile network containing at least one base station. Official Notice is taken that it is notoriously well known in the art to equip mobile network with base stations. It would have been obvious to one of ordinary skill in the art to modify Kleier's network to include base stations in order to allow for cellular type coverage.

As to claim 66, Kleier teaches everything claimed except for the method being stored on computer readable media. Official notice is taken that it is notoriously well known in the art to store control methods on computer readable

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media. It would have been obvious to one of ordinary skill in the art to modify Kleier to store the method in computer readable media in order to allow it to be easily implemented on another system.

As to claims 55-58,67-69, note that Kleier teaches the selection being through entering an identifier or scrolling through a list (Kleier see especially fig 1).

As to claim 59, note that the communication established is a conference call.

As to claims 64,65, note that Kleier teaches the conference call being established by sending an SMS text message (Kleier see especially para 6).

5. Claims 3,29,52,60,70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleier in view of Chang et al (US 2002/0072354).

Kleier teaches everything claimed as shown above except for the multiparty call being set up by dialing each device of the group. Kundaje teaches establishing a multiparty call by dialing each member of a group (Chang see especially para 56). It would have been obvious to one of ordinary skill in the art to modify Kleier to use Chang's dialing method of conference call establishment in order to simplify the conference establishment.

6. Claims 4,30,61,71, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleier in view of Bradshaw, Jr. (US 6,236,854).

Kleier teaches everything claimed as shown above except for the conference call being established through the MSC. Bradshaw teaches establishing a conference call using the MSC (Bradshaw fig 1, col 4, lines 14-33).

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It would have been obvious to one of ordinary skill in the art to modify Kleier to utilize the MSC to establish the conference call in order to utilize the existing control to perform the function.

7. Claims 5,6,31-33,51,62,63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleier in view of Barber et al (US 6,088,435).

Kleier teaches everything claimed as shown above including the establishment comprising transmitting an acoustic message (Kleier see especially para 30), but lacks a teaching of the acoustic invitation message being a voice message. Barber teaches a conference call invitation being in the form of a pre-stored voice message (Barber see especially col 1, lines 8-22). It would have been obvious to one of ordinary skill in the art to modify Kleier to use the pre stored voice message of Barber to establish the conference call in order to impart a personalized message to the invitees.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kleier in view of Berber and in view of Bradshaw, Jr. (US 6,236,854).

Kleier in view of Berber teaches everything claimed as shown above except for the conference call being established through the MSC. Bradshaw teaches establishing a conference call using the MSC (Bradshaw fig 1, col 4, lines 14-33). It would have been obvious to one of ordinary skill in the art to modify Kleier in view of Berber to utilize the MSC to establish the conference call in order to utilize the existing control to perform the function.

9. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kleier in view of Chang and in view of Bradshaw, Jr. (US 6,236,854).

Kleier teaches everything claimed as shown above except for the conference call being established through the MSC. Bradshaw teaches establishing a conference call using the MSC (Bradshaw fig 1, col 4, lines 14-33). It would have been obvious to one of ordinary skill in the art to modify Kleier in view of Chang to utilize the MSC to establish the conference call in order to utilize the existing control to perform the function.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is (571) 272-7887. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

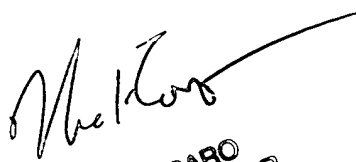
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip Sobutka
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April 17, 2005



NICK CORSARO
PRIMARY EXAMINER